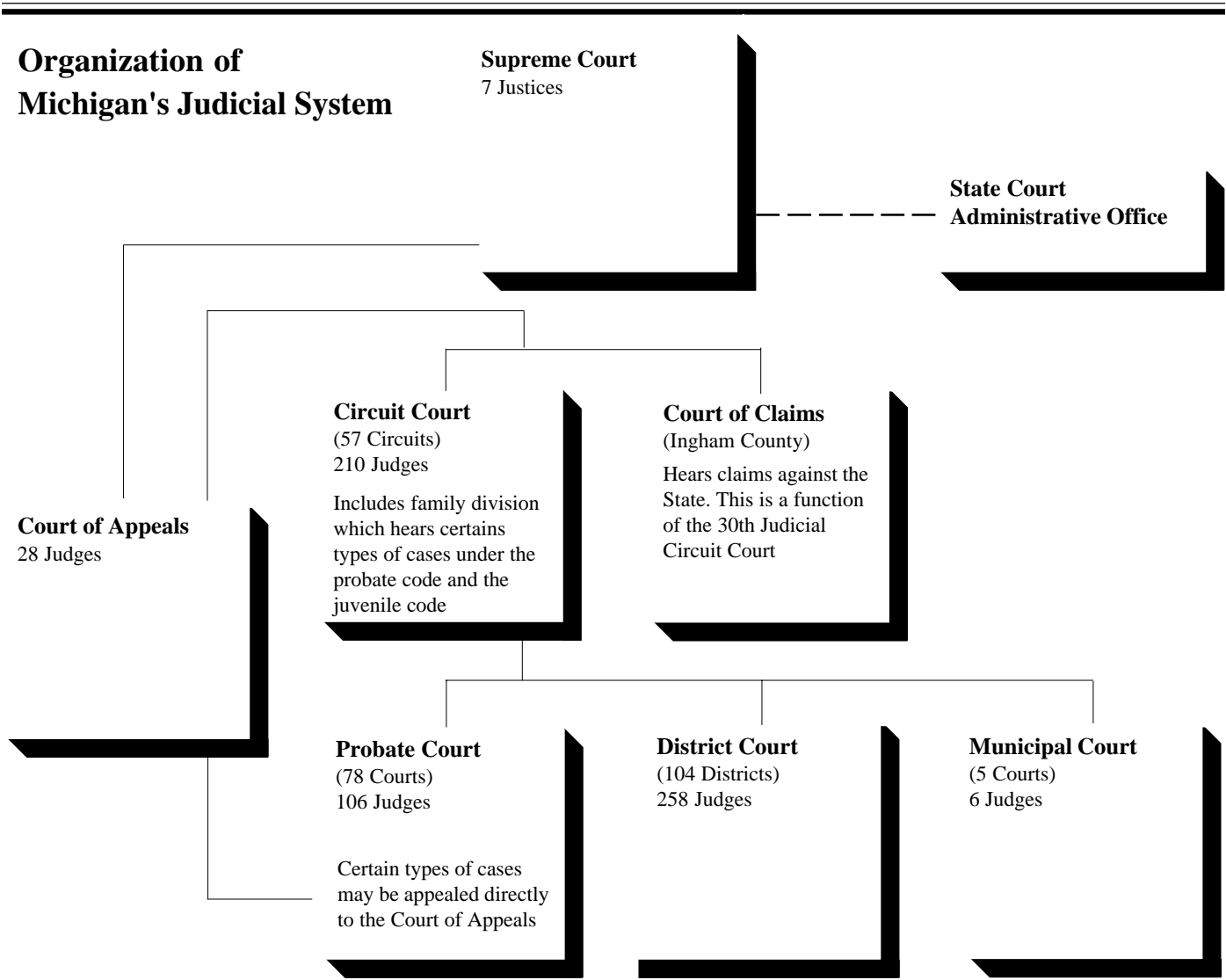


Michigan Judicial System

Michigan’s concept of “One Court of Justice” was introduced in 1963 by Article VI, Section 1 of the Michigan Constitution. Under this principle the judicial system functions as an integrated unit consisting of one supreme court, one court of appeals, one trial court (known as the circuit court), and several trial courts of limited jurisdiction.

Each court performs a certain role within the judicial system according to the jurisdiction given to it by the Michigan Constitution or Legislature. This jurisdiction is further outlined in various Michigan statutes and briefly described on the following pages. In addition to establishing “One Court of Justice”, the Michigan Constitution authorized the appointment of a state court administrator to assist courts with administrative duties and tasks.



Connecting lines to the Circuit Court, the Court of Appeals, and the Supreme Court represent the various levels in the appeal process

Appellate Courts

Supreme Court

The Supreme Court is the highest court in the state, hearing cases appealed to it from the Court of Appeals. Cases are appealed to the Supreme Court by filing an application for “leave to appeal” with the Court. The Supreme Court has the authority to grant or deny any application. If an application is granted, the Supreme Court will hear the case; if denied, the decision made by the lower court remains unchanged. The Supreme Court also has original jurisdiction over some matters.

In addition to its judicial duties, the Supreme Court is responsible for the general administrative supervision of all courts in the state. The Supreme Court also establishes rules for practice and procedure in all courts.

The Supreme Court consists of seven justices; the Chief Justice and six Associate Justices. The justices are elected to serve eight year terms. Every two years one justice is selected by the court as chief justice. Although justices are nominated by political parties, they are elected on a non-partisan ballot. A candidate for the Supreme Court must be a qualified elector, licensed to practice law in Michigan, and at the time of election must be less than 70 years of age. The salary of the justices is fixed by the State Officers Compensation Commission and paid by the state.

Sessions of the Supreme Court are held in Lansing. At these sessions, the justices hear oral arguments by attorneys on cases which have been submitted in written briefs several weeks, months, or even years in advance of the hearing.

The justices devote their time between oral argument sessions and writing opinions on cases previously heard. The written opinion in each case, which receives the approval of a majority of the justices, becomes the decision of the Court. A justice may write a “concurring” opinion agreeing with the result of the majority opinion, but for reasons different from those expressed in the majority opinion. If a justice disagrees with the majority opinion in whole or in part, the justice may write the reasons for the disagreement in a “dissenting” opinion.

The justices also meet regularly in conferences to discuss and decide cases before them, to decide which cases to hear, and to act on rules and procedures and other administrative matters.

Court of Appeals

The Court of Appeals was established by the 1963 State Constitution as an “intermediate” appellate court between the Supreme Court and Circuit Court. Jurisdiction of the Court of Appeals is established by state law, but its practice and procedure are governed by Supreme Court rule.

Judges of the Court of Appeals are chosen in non-partisan elections from four districts of approximately equal population. The state legislature may increase the number of judges and alter the districts from which they are elected by changing the state law. A candidate for the Court of Appeals must be a resident of the district in which the candidate is running, a qualified elector, licensed to practice law in Michigan, and at the time of election must be less than 70 years of age.

Court of Appeals judges are elected for six-year terms. Their salaries are set by the legislature. Every two years a chief judge is selected by the Supreme Court.

In addition to hearing cases, the chief judge performs administrative duties and other assignments indicated by the Supreme Court. Panels of Court of Appeals judges hear cases in Lansing, Detroit, Grand Rapids, and Marquette. The panels are rotated to encourage statewide uniformity in rulings by eliminating the likelihood of conflicting legal philosophies developing in specific geographical areas. The procedure for hearing cases is similar to that in the Supreme Court. The decision of a panel of the Court of Appeals is final except for those cases which the Supreme Court reviews.

Trial Courts

Circuit Court

The Circuit Court is referred to as the trial court of general jurisdiction in Michigan because of its very broad powers. Circuit court has jurisdiction over all actions except those given by state law to another court. Generally speaking, circuit court has original jurisdiction in all civil cases involving more than \$25,000; in all criminal cases where the offense involves a felony or certain serious misdemeanors; and in all family cases and domestic relations cases such as divorce, paternity actions, juvenile proceedings, and adoptions.

The state is divided into judicial circuits along county lines. The number of judges in a circuit reflects the

volume of business in the court. If there is more than one county in a circuit, judges travel from one county seat to another to hold court sessions.

The circuit court also hears cases appealed from lower courts and from some administrative agencies of state government. In addition, the circuit court has superintending control over other courts within the circuit, subject to final superintending powers of the Supreme Court.

Circuit judges are elected for six-year terms on non-partisan ballots. A candidate must be a resident of the circuit in which the candidate is running, a qualified elector, licensed to practice law in Michigan, and at the time of election less than 70 years of age. The legislature sets salaries for circuit judges.

The **family division** of the circuit court is a division of circuit court. The Family Division has exclusive jurisdiction over all family matters such as divorce, custody, parenting time, support, paternity, adoptions, name changes, juvenile proceedings, emancipation of minors, parental consent, and personal protection proceedings. The Family Division also has ancillary jurisdiction over cases involving guardianships and conservatorships and proceedings involving the mentally ill or developmentally disabled.

Court of Claims

The Court of Claims has jurisdiction limited to hearing claims against the State of Michigan. As a general rule, a state cannot be sued without its consent. Michigan granted that consent by establishing the Court of Claims, which has exclusive jurisdiction in all claims except that the State Administrative Board is vested with discretionary authority in claims under \$1,000. The Court of Claims is part of the 30th Circuit Court (Ingham County).

Probate Court

The Probate Court is a court of limited jurisdiction. The court's major function is the supervision of "probating" of wills and of the administration of estates and trusts of deceased persons by personal representatives as well as guardianships and conservatorships for persons with mental illness or developmental disability.

There is a probate court in each Michigan county with the exception of ten counties which have consolidated

to form five two-county probate court districts. Each district has one judge, and each of the remaining counties has one or more judges, based on volume of business in the court. In 14 counties, probate judges serve part-time.

Probate judges are also elected for six-year terms on non-partisan ballots, under the same requirements as circuit judges. The legislature sets their salaries.

District Court

The District Court has exclusive jurisdiction of all civil litigation up to \$25,000 and also handles garnishments, eviction proceedings, land contract forfeitures, and other proceedings. For criminal cases, the district court conducts preliminary examinations in felony cases and handles all misdemeanors where punishment does not exceed one year in jail including arraignment, sentence, and setting and acceptance of bail. Civil infractions are also handled in district court.

A **small claims division** for certain civil claims is provided in the district court. Parties agree to waive their right to a jury, rules of evidence, representation by a lawyer, and the right to appeal the district judge's decision. If either party objects, the case will be heard by the general civil division of the district court.

District judges may appoint magistrates. The magistrates may set bail and accept bond in criminal matters; accept guilty pleas; sentence for traffic, motor carrier, and snowmobile violations and dog, game, and boat law violations; and issue arrest and search warrants. Attorney magistrates may hear small claims cases. Magistrates may, at the direction of the chief judge, perform other duties allowed by statute.

District judges are also elected for six-year terms on non-partisan ballots, under the same requirements as circuit judges. The legislature sets their salaries.

Municipal Court

Municipal Court civil jurisdiction is limited to \$1,500. Five municipalities have chosen to retain a municipal court rather than change to district court. Its criminal jurisdiction is similar to district court. Municipal judges must be lawyers, residents, and electors of their cities. They are paid by the municipality and are elected for four-year terms as provided by city charter. They are part-time judges and may practice law.

State Court Administrator

Michigan Constitution, Article VI, Sec. 3 directs that “. . . the supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.”

The State Court Administrator is charged with administering the state's trial courts pursuant to the policies developed by the Supreme Court. Under the Michigan Court Rules, the State Court Administrator supervises and examines administration of the courts; examines the status of calendars of the courts; collects and compiles statistical and other data; recommends the assignment of judges where courts are in need of assistance; monitors the efficiency of caseload management; prepares budget estimates of state appropriations needed for the judicial system; monitors judicial business; approves and publishes court forms; and certifies the adequacy of recording devices used in making records of proceedings in the trial courts.

For more specific court information, see the website:
<http://www.courts.michigan.gov/scao/faqs/>

State Court Administrative Office
PO Box 30048
Lansing, MI 48909